

STATE OF VERMONT
PUBLIC SERVICE BOARD

CPG No. 931-CO

Application of Securus Technologies, Inc., for a)
certificate of public good to offer customer-owned,)
pay telephone service in Vermont)

Order Entered: 4/8/2011

I. REPORT

Securus Technologies, Inc. ("Applicant" or the "Company"), filed an application with the Public Service Board ("Board") on December 15, 2010, seeking a certificate of public good ("CPG") to offer customer-owned, pay telephone service in Vermont.¹

The application was referred to the Vermont Department of Public Service ("Department" or "DPS") for review pursuant to 30 V.S.A. Section 231. The Department, by letter filed February 4, 2011, recommended that a CPG be issued without hearing. The Board knows of no person who objects to issuance of a CPG to the Applicant.

The Board has examined the regulatory structure of the pay phone industry in three dockets: Dockets No. 6012, 4946, and 5566. The Board also addressed the subject of pay phone service in Docket No. 5159, Order of 2/4/87. As a result of the Board's ruling in Docket No. 6012, all providers of pay phone services in Vermont must abide by the requirements listed below.

- (1) Payphones may not be attached to residential lines.
- (2) All installed payphones must have both numbers and letters on their keypads.
- (3) Payphone service providers shall post the address or location of the payphone on the payphone instrument.

1. The Company completed its application on January 28, 2011, by submitting the required COCOT application form.

- (4) Payphone service providers may not block access to any toll provider. However, this requirement shall not prevent subscription to outgoing international call blocking services offered by local exchange companies.
- (5) Payphone service providers shall place a copy of the local telephone directory at each of its locations annually, unless payphones at a specific location allow free directory assistance calling.
- (6) Payphone providers must have a refund procedure for anyone who wants to request a refund for over-deposits. They shall post clear notices on their phones as to how customers can obtain such refunds.
- (7) Payphone service providers must comply with the federal access standards of the Americans with Disabilities Act ("ADA") regarding payphone location, installation, and equipment, and payphone providers shall furnish disability access information to location owners.
- (8) Payphone customers shall be alerted of their right to use a carrier other than the one to which the payphone is presubscribed. Bell Atlantic-Vermont's 1999 notice to this effect shall be the industry standard and shall be used by all payphone service providers.
- (9) The minimum call duration for initial deposits shall be five minutes at all payphones, unless a different time period is clearly posted on the payphone instrument. A measured call shall be disconnected only after giving the caller sufficient opportunity to extend a call by depositing more coins.
- (10) Payphones which are out of order shall be so posted as soon as feasible after (and in no event more than four work-hours after) the fault is discovered by or reported to the owner or his agent. Payphone service providers must repair impaired payphones within 24 hours of a report or discovery of the impairment.
- (11) All coin payphones shall accept nickels, dimes, and quarters and shall be able to refund coins for uncompleted calls, except that payphone providers may install coinless phones so long as doing so will not unreasonably lower or limit the availability of coin-operated phones at a particular location.

- (12) All payphone service providers must list on each payphone a toll-free telephone number that consumers can call to obtain a refund. If providers do not always have a live operator to take such a call, providers must have an automated answering service to take the necessary information from the consumer and must ensure a timely response to such requests.
- (13) All payphones must provide access to the following without charge and without the requirement for a coin deposit:
- (i) operator services calls [O- (caller dials only "O" and then waits for operator intervention) or O+ (credit card, collect or third party billing)];
 - (ii) E-911 emergency services calls;
 - (iii) access code calls (1010XXX, "1-800", 950-XXXX carrier access numbers); and
 - (iv) subscriber 800 calls.
- (14) All payphones must accept incoming calls by December 1, 2000, and thereafter.² All payphones must use two-way tariffed access lines. The Public Service Board will grant a waiver of this requirement if a location owner certifies in writing that he/she would not allow a payphone on the premises if it accepts incoming calls, or if a law enforcement agency has asked for a waiver for a specified public safety purpose. Any such waiver shall lapse after three years unless renewed. An application for renewal must be submitted at least two months before the waiver's termination date. If granted a waiver, the payphone provider or location owner requesting the waiver shall post "no incoming calls" in a conspicuous location on the instrument. The payphone's telephone number shall not be posted on the phone. Upon being granted a waiver, the access line shall receive a line block for Caller I.D. and *69 return calling. The line blocks shall remain in effect only for the duration of the waiver period.

1. This requirement applies to all payphones (even those temporarily grandfathered in the Docket No. 5566 Order of January 6, 1995, at 44). Future waivers of this requirement must be sought through the procedures set out in this paragraph.

(15) In addition to the posting requirements listed above, the following information shall be posted on all payphones:

- (i) the phone number of the provider;
- (ii) full and clear instructions on the use of the phone;
- (iii) the name of the phone's owner;
- (iv) instructions for dialing emergency services;
- (v) a toll free number for rate information;
- (vi) a toll free or collect number for reporting complaints, troubles and obtaining refunds;
- (vii) the toll free telephone number of the Department of Public Service's Consumer Affairs and Public Information Division ("CAPI") and a statement that CAPI should be contacted if a user's complaint remains unresolved;
- (viii) a statement that privacy cannot be ensured if the phone is connected to a line with an extension; and
- (ix) a statement notifying the user that the phone will not accept incoming calls if the Board has granted a waiver of the requirement to accept incoming calls.

See Docket No. 6012, Order of 12/28/99; Docket No. 5566, Order of 1/6/95; Docket No. 5159, Order of 2/4/87; and Docket No. 4946, Order of 2/21/86.

The application form submitted by Securus Technologies, Inc., lists all of the above requirements; however, due to the unique nature of Securus's business as an inmate operator service provider, the Company requests that Requirement Nos. 3, 4, 5, 6, 8, 9, 10, 12, 13, 14 and 15 be waived. The Company affirms that it will comply with all other applicable requirements.

II. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that:

1. The application of Securus Technologies, Inc., is approved, and the request to waive Requirement Nos. 3, 4, 5, 6, 8, 9, 10, 12, 13, 14 and 15, is granted.

2. The operation of customer-owned, pay telephones by Securus Technologies, Inc., will promote the general good of the state, and a certificate of public good shall be issued to that effect.

3. Securus Technologies, Inc., shall comply with all of the requirements outlined in this Report and Order, except for those for which it has requested a waiver.

Dated at Montpelier, Vermont, this 8th day of April, 2011.

<u>s/James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/John D. Burke</u>)	

OFFICE OF THE CLERK

Filed: April 8, 2011

ATTEST s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.